

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CORTEZ D. GILLUM,

Plaintiff,

vs.

ARAMARK FOOD SERVICES, INC., *et al*,

Defendants.

Case No. 14-cv-810-SMY-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“R & R”) (Doc. 47) of Magistrate Judge Philip M. Frazier recommending this Court grant Defendants’ Motion to Dismiss for Failure to Exhaust Administrative Remedies (Doc. 29).

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the R & R. The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court **ADOPTS** the R & R (Doc. 47) and **GRANTS** Defendants’ Motion (Doc. 29). Defendants are **DISMISSED without prejudice**. Defendants’ Motion to Dismiss (Doc. 21) is **DENIED** as moot. Defendants’ Motion for Summary Judgment (Doc. 40) is **DENIED** as moot. Defendants’ Motion to Substitute Affidavit (Doc. 43) is **DENIED** as moot. Plaintiff’s Motion for Extension of Time to File Response (Doc. 48) is **DENIED** as moot. As no further claims remain pending, the Clerk of Court is **DIRECTED** to close this case.

IT IS SO ORDERED.

DATED: June 2, 2015

s/ Staci M. Yandle
STACI M. YANDLE
DISTRICT JUDGE